



General Assembly

Amendment

January Session, 2013

LCO No. 8075

HB0576108075HD0

Offered by:

REP. SERRA, 33rd Dist.

SEN. AYALA, 23rd Dist.

To: Subst. House Bill No. **5761**

File No. 205

Cal. No. 148

"AN ACT CONCERNING NOTIFICATION TO POTENTIAL AND EXISTING NURSING HOME OWNERS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 19a-528a of the general statutes is repealed and
4 the following is substituted in lieu thereof (*Effective October 1, 2013*):

5 For any application of licensure for the acquisition of a nursing
6 home filed after July 1, 2004, any potential nursing home licensee or
7 owner shall submit, in writing, a change in ownership application with
8 respect to the facility for which the change in ownership is sought.
9 Such application shall be prescribed by the Commissioner of Public
10 Health and include such information as the commissioner deems
11 necessary. The first page of the application shall include the following
12 statement: "NOTICE: The State of Connecticut values the quality of
13 care provided to all of our residents. Please know that any nursing
14 home licensee, owner or officer, including, but not limited to, a

15 director, trustee, limited partner, managing partner, general partner or
16 any person having at least a ten per cent ownership interest in the
17 nursing home or the entity that owns the nursing home, and any
18 administrator, assistant administrator, medical director, director of
19 nursing or assistant director of nursing, may be subject to civil and
20 criminal liability, as well as administrative sanctions under applicable
21 federal and state law, for the abuse or neglect of a resident of the
22 nursing home perpetrated by an employee of the nursing home.". The
23 application shall also include [such information as the Commissioner
24 of Public Health deems necessary and] whether such potential nursing
25 home licensee or owner (1) has had three or more civil penalties
26 imposed through final order of the commissioner in accordance with
27 the provisions of sections 19a-524 to 19a-528, inclusive, or civil
28 penalties imposed pursuant to the statutes or regulations of another
29 state, during the two-year period preceding the application, (2) has
30 had in any state sanctions, other than civil penalties of less than twenty
31 thousand dollars, imposed through final adjudication under the
32 Medicare or Medicaid program pursuant to Title XVIII or XIX of the
33 federal Social Security Act, 42 USC 301, as from time to time amended,
34 or (3) has had in any state such potential licensee's or owner's
35 Medicare or Medicaid provider agreement terminated or not renewed.
36 In the event that a potential nursing home licensee or owner's
37 application contains information concerning civil penalties, sanctions,
38 terminations or nonrenewals, as described in this section, the
39 commissioner shall not approve the application to acquire another
40 nursing home in this state for a period of five years from the date of
41 final order on such civil penalties, final adjudication of such sanctions,
42 or termination or nonrenewal, except for good cause shown.

43 Sec. 2. (NEW) (*Effective October 1, 2013*) The statement that the
44 Commissioner of Public Health is required to include in change in
45 ownership applications pursuant to section 19a-528a of the general
46 statutes, as amended by this act, shall not be construed as expanding
47 or otherwise affecting the liability of nursing home licensees, owners
48 or officers, including, but not limited to, a director, trustee, limited

49 partner, managing partner, general partner or any person having at
50 least a ten per cent ownership interest in the nursing home or the
51 entity that owns the nursing home, as well as any administrator,
52 assistant administrator, medical director, director of nursing or
53 assistant director of nursing, that may exist at law for the abuse or
54 neglect of a resident of the nursing home."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	19a-528a
Sec. 2	<i>October 1, 2013</i>	New section